

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Rapid City School District  
Accountability Review - Focus Monitoring Report 2008-2009**

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**Dates of On Site Visit:** December 2 -4, 2008

**Date of Report:** January 9, 2009

3 month update due: April 9, 2009

6 month update due: July 9, 2009

9 month update due: October 9, 2009

Closed:

Date Received:

Date Received:

Date Received:

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

(1) That the requirements of this article are carried out;

(2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:

(a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and

(b) Meets the educational standards of the state education agency, including the requirements of this article; and

(3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

(1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;

(2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

#### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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## **1. GENERAL SUPERVISION**

**Present levels: ( Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 5, 2004)**

### **ARSD 24:05:24:01. Referral**

Referral includes any written request which brings a student to the attention of a school district administrator (building principal, superintendent, or special education director) as a student who may be in need of special education. A referral made by a parent may be submitted verbally, but it must be documented by a district administrator.

Through interview and a review of student records, the monitoring team could not locate a documented referral for 26 students initially evaluated. Special education staff interviewed was not aware of a referral document used by the district. A document used by district psychologists included "referral" in its title. This form however was not used as a referral which brings a student to the attention of a school district administrator (building principal, superintendent, or special education director) as a student who may be in need of special education.

### **ARSD 24:05:18:03. Procedures for identification of misclassified children.**

Each public agency must maintain specific documentation as to the identification, evaluation, program, and placement of each child with disabilities.

### **ARSD 24:05:18:05. Program reviews.**

The division shall conduct program administrative reviews to determine whether students have been classified according to this article. If, as a result of these reviews, the division determines that Individuals with Disabilities Education Act, Part B funds have been made available to an eligible public agency as the result of a misclassified child, the division shall begin recovery procedures.

The monitoring team was unable to validate an IEP was in effect on December 3<sup>rd</sup>, 2002 for 55 students who were listed on the district's 2002 child count. Through interview, district staff indicated students were placed on the child count list as a result of a computer programming error.

**Follow-up: December 4, 2008**

**Finding: Referral information was seen in the files reviewed. All students on the child count for 2007 had a valid IEP.**

**Corrective Action: None**

## **2. GENERAL SUPERVISION**

**Present levels: ( Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 5, 2004)**

### **ARSD 24:05:25:04. Evaluation procedures.**

The school districts shall ensure the child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

### **ARSD 24:05:24.01:01. Students with disabilities defined.**

Students with disabilities are students evaluated in accordance with chapter 24:05:25 as having autism, deaf-blindness, deafness, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairments, emotional disturbance, specific learning disabilities, speech or language impairments, traumatic brain injury, or visual impairments including blindness, which adversely affects educational performance, and who, because of those disabilities, need special education or special education and related services.

### **ARSD 24:05:22:03. Certified child.**

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count.

The review team identified the following issues:

1. A multidisciplinary team evaluation did not yield eligibility scores for a student so the team initiated an override in the areas of reading, writing and math. The students program did not contain a goal in reading, writing, math or any other academic area.
2. The standard error of measurement was used to determine a student eligible for special education under the category of learning disabled.
3. The MDAT data for another student does not support the disability category of emotionally disturbed. Behavior indicators do not indicate clinically significant issues. The existing data would support a possible learning disability.
4. An MDAT report for another student states they are eligible as a student with multiple disabilities (mental retardation-510 and speech/language-550); however, the student was dismissed from speech services at the MDAT meeting. A district evaluation list provided to the monitoring teams indicates this student was placed on the 2003 child count as a student with autism (560). Social and behavior evaluation data was not available to support this as disability category.
5. Evaluation data for four students, categorized as students with other health impairments, did not identify how the disability impacts education or the need for an individual education program. Behavior scores contained no clinically significant indicators and/or the students programs contained no educational services.

Specific information regarding each of these students has been provided to the Director of Special Services. Each student's IEP team must meet and resolve the issues identified.

**Follow-up: December 4, 2008****Finding:**

The monitoring team identified the following issues:

Student 11 is reported as a 560; however the student moved from out of state to Rapid City. The last evaluation was completed in 07 in the home state. No formal evaluation was completed for eligibility. There was not a meeting held to discuss eligibility or to accept the IEP.

Student 71 is reported as 555; however the student moved from out of state and there are no social emotional/behavior scores or other documentation of ADHD. The student was placed in Language services, but did not qualify in the home state. There was not a meeting held to discuss eligibility or to accept the IEP.

Student 73 is reported as a 555; however the student moved from out of state and there are no standard scores for the BASCII or Conner to support eligibility. There was a meeting held to discuss eligibility or to accept the IEP.

Student 225 is reported as a 550; however the student moved from out of state and there was no determination of eligibility for South Dakota. There was not a meeting held to discuss eligibility or to accept the IEP.

Student 230 is reported as a 550; however the student moved from out of state and there was no determination of eligibility for South Dakota. There was not a meeting held to discuss eligibility or to accept the IEP.

Student 60 is reported as 510; however, the evaluation does not support eligibility. The adaptive scores are high.

Student 29 is reported as a 555; however, the evaluation does not support eligibility. There are no clinically significant scores.

Student 154 is reported as a 555; however, the evaluation does not support eligibility.

Student 212 is reported as a 555; however, the evaluation does not support eligibility. No educational impact is seen for this student.

Student 180 is reported as a 555; however, the evaluation does not support eligibility.

Student 224 is reported as a 555; however, the IEP does not support behavior concerns. Behavior impedes learning was not checked, and the only goals were for math.

Student 213 is reported as a 515; however, the evaluation does not support educational impact for this student. The functional evaluation did not support eligibility.

Student 61 is reported as a 525; however, the evaluation does not support eligibility. On the Woodcock Johnson III all of the assessments were not given. Oral expression was not given and there are many communication concerns. The adaptive behavior scores show a 25 point difference between the parent and teacher score. The BASC scores show a 20 point

difference in learning problems between two teachers. A 13 point difference in atypicality, and 17 point difference in school problems. The scores do not correlate between the two teachers.

Student 81 is reported as a 510; however, the evaluation does not support eligibility. There was no cognitive or social given. The only evaluations given were the Developmental Profile second edition and the ABAS-II. The Developmental Profile was given for ability and achievement.

Student 216 is reported as a 510 and Student 217 is reported as a 530. The prior notices stated ability and achievement would be given. Evaluations were not attempted on either student and no explanation was given as to why the evaluations were not given. A comprehensive evaluation was not completed.

Student 166 is reported as 525, when the evaluations support cognitive delay.

Student 146 is reported as 555; however the MDAT states OHI (pervasive Developmental Disorder).

Each student's IEP team must meet and resolve the issues identified.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> All students identified as having a particular disability under IDEA will receive a comprehensive evaluation that supports and documents that (A) the student has that particular disability, and (B) due to that disability, suffers an adverse effect on educational performance, so that the student requires special education services to benefit from his or her education.  <b>Data Collection:</b> All documentation of the "immediate fixes" will be sent to the team leader.	April 15, 2009	School District	

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

**ARSD 24:05:25:04. Evaluation procedures.**

The school district shall ensure a variety of assessment tools and strategies are used to gather relevant functional and development information about the child, including information provided by the parents that may assist in determining whether the child is a child with a disability and content of the child's IEP.

**ARSD 24:05:25:04.03. Determination of eligibility.**

Upon completing the administration of tests and other evaluation materials, the individual education program team shall determine whether the student is a student with a disability. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

The monitoring team noted approximately 32 files that contained a variety of evaluation issues. For example, the evaluation report (MDAT) of a visually impaired student did not include achievement information for the determination of eligibility. The program of a student with learning disabilities contained goals for written expression however, written expression was never evaluated. The evaluation data for a student identified as other health impaired (OHI), supported a disability category of learning disabled and not OHI. Transition evaluations were not administered for several students of transition age. Behavior concerns were documented in MDAT reports and IEPs with no evidence of evaluation or intent to evaluate. Areas of evaluation listed on the prior notice/consent were not administered and tests were also administered when prior notice/consent was not acquired.

**Follow-up: December 4, 2008**

**Finding:** The monitoring team noted approximately 50 files with evaluation issues. For example, students were given a transition evaluation and there was not permission to give the evaluation. The evaluation data for a student identified as specific learning disability supported a disability category of cognitive delay, not SLD. Areas of evaluation listed on the prior notice/consent were not administered in 43 files when consent was acquired. Forty eight files showed evaluations were given without consent. Students are not always being assessed in all areas of suspected disability. Functional evaluations are not being completed in all areas of suspected disability, and are not skill specific.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> The state will provide professional development for all district staff in the area of evaluation, determining eligibility, functional assessment and content of individual educational program.  <b>Data Collection:</b> The district will submit an agenda for professional development activities, a list of those in attendance, dates and time.	April 15, 2009	State SEP	

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

<b>Corrective Action:</b> Document the specific activities	<b>Timeline for</b>	<b>Person(s)</b>	<b>(SEP Use</b>
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and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Completion	Responsible	Only) Date Met
<b>Activity/Procedure:</b> The district will cross check the prior notice for evaluation and the evaluation report to determine if necessary evaluation data is reported. <b>Data Collection:</b> The district will review and report the number of files reviewed since the onsite review. The data will include answers to the following questions: 1. Were all the evaluations listed on the prior notice administered, and were there any evaluations administered that were not on the prior notice? 2. Was the student evaluated in all areas of suspected disability; 3. Did the placement committee determine eligibility in the proper disability category?	January 1, 2009 and ongoing	School District	

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

**ARSD 24:05:27:01.03. Content of individualized education program.**

A student's IEP must contain present levels of performance based upon the specific skill areas affected by the student's disability. The present levels of performance are based upon the functional assessment information gathered during the comprehensive evaluation process. Present levels of performance must contain the student's strength, needs, effect of the disability on the student's involvement/progress in the general curriculum and parent input.

**ARSD 24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

(1) A statement of the student's present levels of academic achievement and functional performance, including:

(a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or

(b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;

(2) A statement of measurable annual goals, including academic and functional goals, designed to:

(a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and

(b) Meet each of the student's other educational needs that result from the student's disability;

Through interview and a review of 51 student records, the monitoring team found the district staff did not consistently include functional information in the evaluation process by gathering, analyzing and developing a written summary of strength and needs for each skill areas affected by the student's disability, including transition. The student's present levels of academic

performance, development of annual goals and short term instructional objectives therefore did not link to evaluation. Functional assessment information is available through a variety of sources in the district; however, there is not an established process across all grade levels and disciplines for collecting, analyzing, summarizing or integrating the information into the multidisciplinary assessment team report (MDAT) for all eligible students.

#### **Follow-up: December 4, 2008**

##### **Finding:**

The monitoring team through a review of 235 student files found the district staff did not consistently include functional information in the evaluation process by gathering, analyzing and developing a written summary of strength and needs for each skill areas affected by the student's disability. Many of the functional assessments were a narrative of the student and not skill specific as to the disability. The student's present levels of academic performance, development of annual goals therefore did not link to evaluation. Functional assessment information is available through a variety of sources in the district; however, there is not an established process across all grade levels and disciplines for collecting, analyzing, summarizing or integrating the information into the multidisciplinary assessment team report (MDAT) for all eligible students. Annual goals throughout the district lack the required content. Many files reviewed showed content standards are being used for annual goals and therefore are not skill specific and do not always state condition, performance or criteria.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> Functional skill based evaluations will be given to each child during the evaluation process to help develop PLAAFS.  <b>Data Collection:</b> The District will submit 5 complete evaluations from each school psychologist including prior notices, MDAT, and IEPs of students with initial or reevaluations to verify the number of evaluations completed and the number having functional skill based evaluations and correct IEP content to the SEP.	January 1, 2009 and ongoing	School District	

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> The district will review all new IEP files to ensure the required content is included, including present levels of performance, goals, Special factors and accommodations individualized for each student.	January 1, 2009 and ongoing	School District and State SEP	



<b>Data Collection:</b> A copy of prior notices, evaluations and IEPs will be sent to the SEP for verification of content. The data from the above will be used.		Each student's IEP team must meet and resolve the issues identified.	
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### **3.GENERAL SUPERVISION**

**Present levels: ( Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 5, 2004)**

#### **ARSD 24:05:27:13.02. Transition services**

Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process.

#### **ARSD 24:05:27:01.03. Content of individualized education program**

For each student beginning at age 16 or younger, the IEP is to include a statement of the needed transition services, including interagency responsibilities. Beginning at least one year before a student reaches the age of majority under state law, the student's individualized education program must include a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act, if any, that will transfer to the student on reaching the age of majority.

The course of study for each student is a compilation of the required courses to graduate from high school. Based on the student's interests and individual evaluation, specific courses that are linked to the student's life planning outcomes should be discussed by the IEP team and incorporated into the IEP. Through an analysis of the individual transition evaluation, the IEP team develops present levels of performance, transition services and activities which link to the student's life planning outcomes.

Through a review of student records and interviews with district staff, the monitoring team found the district lacks a system to ensure a consistent transition planning process for students with disabilities. Inconsistencies which were found included the lack of transition evaluation for several students and life planning outcomes not developed or specific to the student's interests for nine students. The present levels of performance for transition were not developed or contained very little information. The course of study was not developed for six students by age 14 and did not link to the life planning outcomes. Transition services and activities were not addressed for six students by age 16. The transfer of rights was not completed one year prior to age 18 for two students. The specific graduation requirements were not addressed in the IEPs of 11 students. The district showed evidence of all components required in the transition planning process for students, however, they did not link to present levels of performance and evaluation and were not consistently reflected in the IEP process.

**Follow-up: December 4, 2008**

**Finding: All files with transition had the required content.**

**Corrective Action: None**

#### **4. GENERAL SUPERVISION**

##### **Present levels:**

**State Performance Plan - Indicator 3:** Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

##### **Finding: On-site- December 4, 2008**

Through a review of 83 student files, data gathered by the team indicated accommodations/modifications did not consistently relate to the skill areas affected by the disability, were not consistently provided in the student's instructional program, and accommodations identified in the IEPs for State/District wide assessment were not consistently used during the assessment administration.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<p><b>Activity/Procedure:</b></p> <ol style="list-style-type: none"><li>1. The district will review current policy/procedure to determine why discrepancies are occurring.</li><li>2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments.</li><li>3. Train IEP staff and testing coordinator in the procedures/process.</li><li>4. Implement procedures and collect data to verify accommodation are appropriately documented and provided during state/district assessments.</li><li>5. Analyze data collected to determine if procedures corrected discrepancy. Repeat steps 1 through 5 if discrepancies continue.</li></ol> <p><b>Data Collection:</b> The district will collect and submit to SEP the following data:</p> <ol style="list-style-type: none"><li>1. Written description of the districts review process to identify why the discrepancies are occurring.</li><li>2. Written description of the process the district will implement to correct the discrepancies.</li><li>3. Training documentation to include the date staff</li></ol>	March 2009	Special Education Director and Staff & Testing Coordinator	

training occurred, name of individual who provided the training and sign-in sheet with the name of all participants/position titles, who attended the training.			
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**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**